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Interim Co-Lead Counsel for Plaintiffs
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NIMESH PATEL, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

vs.

FACEBOOK, INC.,

Defendant.

Case No. 3:15-cv-03747-JD

STIPULATION AND [PROPOSED] ORDER
IN CONNECTION WITH CONSOLIDATED
ACTION

CARLO LICATA, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

vs.

FACEBOOK, INC.,

Defendant.

Case No. 3:15-cv-03748-MEJ

ADAM PEZEN, Individually and on Behalf of
All Others Similarly Situated,

Plaintiff,

vs.

FACEBOOK, INC.,

Defendant.

Case No. 3:15-cv-03749-HSG

STIPULATION AND [PROPOSED] ORDER IN CONNECTION WITH
CONSOLIDATED ACTION – 3:15-cv-03749-HSG

Pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, Local Rule 3-12(a) and Local Rule 7-11, Plaintiffs Adam Pezen, Carlo Licata and Nimesh Patel (collectively, “Plaintiffs”), and Defendant Facebook, Inc. (“Facebook”), in the above-captioned actions, hereby submit this stipulation and proposed order.

WHEREAS, on August 17, 2015, this Court issued separate Orders Setting Initial Case Management Conference and ADR Deadlines in *Licata v. Facebook, Inc.*, Case No. 3:15-cv-03748-MEJ and *Pezen v. Facebook, Inc.*, Case No. 3:15-cv-03749-HSG.

WHEREAS, on August 18, 2015, this Court issued an Order Setting Initial Case Management Conference and ADR Deadlines in *Patel v. Facebook, Inc.* and assigning case number 3:15-cv-03747-JD.

WHEREAS, each of the above putative class actions – all of which were recently transferred to this District from the Northern District of Illinois (where they had been consolidated under *Pezen*) – asserts claims arising from alleged violations of the Illinois Biometric Information Privacy Act of 2008 against the same party, Facebook;

WHEREAS, on April 1, 2015, plaintiff Carlo Licata filed an action in the Circuit Court of Cook County, Illinois County Department, Chancery Division, captioned *Licata v. Facebook, Inc.*; Facebook removed that case to the United States District Court for the Northern District of Illinois on May 6, 2015, where it was assigned Case No. 1:15-cv-04022;

WHEREAS, on April 21, 2015, plaintiff Adam Pezen filed an action captioned *Pezen v. Facebook, Inc.*, Case No. 1:15-cv-03484, in the United States District Court for the Northern District of Illinois;

WHEREAS, on May 14, 2015, plaintiff Nimesh Patel filed an action captioned *Patel v. Facebook, Inc.*, Case No. 1:15-cv-04265, in the United States District Court for the Northern District of Illinois;

WHEREAS, on May 21, 2015, Judge Zagel of the United States District Court for the Northern District of Illinois entered Orders in the respective cases relating the *Pezen*, *Licata*, and *Patel* actions pursuant to Northern District of Illinois Local Rule 40.4;

1 WHEREAS, on July 1, 2015, Facebook filed a motion to transfer these actions to this Court
2 pursuant to 28 U.S.C. § 1404(a);

3 WHEREAS, on July 8, 2015, Judge Zagel issued an Order Appointing Interim Co-Lead
4 Class Counsel and Setting Schedule, consolidating the related cases under the *Pezen* action for all
5 pretrial proceedings and appointing Jay Edelson of Edelson PC, Joel Bernstein of Labaton Sucharow
6 LLP, and Paul Geller of Robbins Geller Rudman & Dowd LLP Interim Co-Lead Counsel and
7 creating a master file docket under the *Pezen* action, which was the lowest-numbered and lead case
8 in the Northern District of Illinois;

9 WHEREAS, on July 29, 2015, pursuant to the stipulation of the parties (attached as Exhibit
10 A), Judge Zagel issued an Order Transferring Venue (attached as Exhibit B) of the consolidated
11 actions to the Northern District of California pursuant to 28 U.S.C. §1404(a); and

12 WHEREAS, the parties stipulate and agree that because the three cases set forth above have
13 previously been related and consolidated for all pretrial proceedings under the lead *Pezen* action, this
14 Court should also consolidate the three actions under the *Pezen* action and assign a master docket
15 number and caption to the consolidated actions and assign the action to the judge presiding over the
16 *Pezen* action.

17 WHEREFORE, IT IS HEREBY STIPULATED by the parties, through their counsel of
18 record and subject to the approval of the Court, that:

19 1. The consolidated actions will proceed as a Consolidated Action in this Court bearing
20 the Case No. 3:15-cv-03749, United States District Court for the Northern District of California.

21 2. The docket in Case No. 3:15-cv-03749 shall constitute the Master Docket for this
22 Consolidated Action. Every pleading filed in the Consolidated Action in the Northern District of
23 California shall bear the following caption:

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ADAM PEZEN, et al.,) Master File No. 3:15-cv-03749
)
Plaintiffs,) CLASS ACTION
)
vs.)
)
)
FACEBOOK, INC.)
)
Defendant.)
)

3. The file in Case No. 3:15-cv-03749 shall constitute a Master File for every action in the Consolidated Action. When the document being filed pertains to all actions, the phrase “All Actions” shall appear immediately after the phrase “This Documents Relates To:.” When a document applies only to some, not all, of the actions, the document shall list, immediately after the phrase “This Documents Relates To:,” the docket number for each individual action to which the document applies, along with the last name of the first listed plaintiff in said action.

5. Defendant shall not be required to answer or otherwise respond to the various initial complaints filed in the consolidated actions or any subsequently filed related action. Interim Co-Lead Counsel Jay Edelson of Edelson PC, Joel Bernstein of Labaton Sucharow LLP, and Paul Geller of Robbins Geller Rudman & Dowd LLP shall file a consolidated complaint no later than August 28, 2015. Defendant shall answer or otherwise respond to the consolidated complaint within 30 days after its filing.

STIPULATION AND [PROPOSED] ORDER IN CONNECTION WITH
CONSOLIDATED ACTION – 3:15-cv-03749-HSG

1 response to the consolidated complaint, the parties will meet and confer regarding a briefing
2 schedule and proposed hearing date for the Court's consideration, provided that Plaintiffs shall have
3 no fewer than 30 days to file an opposition thereto, and defendant shall have no fewer than 15 days
4 thereafter to file a reply, and any reply shall be filed at least two weeks before a hearing date.

5 DATED: August 28, 2015

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Attorneys for Defendant Facebook, Inc.

* * *

ORDER

IT IS SO ORDERED.

DATED: _____ UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on August 28, 2015, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on August 28, 2015.

s/ Shawn A. Williams
SHAWN A. WILLIAMS

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Mailing Information for a Case 3:15-cv-03747-JD Patel v. Facebook, Inc.

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

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